

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 13-00005 JSW

JAMES JACKSON,

Plaintiff,

v.

FENWAY PARTNERS LLC, et al.,

Defendants.

**ORDER GRANTING IN PART  
AND DENYING IN PART  
STIPULATION RE REQUEST  
FOR RULING ON THE PAPERS  
ON DEFENDANTS' MOTION TO  
TRANSFER AND EXTENSION OF  
TIME FOR DEFENDANTS TO  
ANSWER OR OTHERWISE  
RESPOND TO COMPLAINT**

(Docket Nos. 12, 25)

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FENWAY PARTNERS, LLC, et al.,

Third Party Plaintiffs,

v.

COACH AM GROUP HOLDINGS CORP., et  
al.,

Third Party Defendants.  
\_\_\_\_\_

The Court has received the parties stipulation relating to the pending motion to transfer. The parties have requested that the Court decide the motion to transfer on the papers, because of a conflict with the scheduled hearing date. The Court DENIES that request, although it will consider a request to continue the hearing. If, after it has reviewed the parties' papers, it determines the matter is suitable for disposition without oral argument, it shall notify the parties in advance of the hearing.

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1 The Court also notes that the parties contend the opposition to the motion is due on  
2 March 5, 2013, and the reply is due on March 12, 2013. The parties are not correct about the  
3 filing deadlines for the opposition brief and reply brief. Plaintiff's opposition brief was due on  
4 January 23, 2013, and Defendants' reply would be due on January 30, 2013. *See* N.D. Civ. L.R.  
5 7-3(a), (c), 7-7. The fact that this case was reassigned and the motion rescheduled does not alter  
6 that briefing schedule, absent Court Order. (*See* Docket No. 18.) Because Plaintiff's brief is  
7 overdue, and because the parties were in error as to the proper filing deadlines, the Court shall  
8 grant the parties an extension. Plaintiff shall file an opposition to the motion to transfer by no  
9 later than February 22, 2013, and Defendant shall file a reply by March 1, 2013. If the parties  
10 require a further extension of these deadlines, they must demonstrate good cause for any  
11 proposed modifications.

12 The Court GRANTS the parties stipulated request that Defendants will have until 14  
13 days following a ruling on the Motion to Transfer Venue to serve and file an answer or  
14 otherwise respond to the Amended Complaint, if the Motion to Transfer Venue is denied and  
15 this action remains in this District.

16 This Order terminates Docket No. 12 and Docket No. 25.

17 **IT IS SO ORDERED.**

18 Dated: January 29, 2013

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20 JEFFREY S. WHITE  
21 UNITED STATES DISTRICT JUDGE  
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